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HD **Ottawa orders NEB to review marine-traffic impact from Trans Mountain oil shipments; National Energy Board will look at marine-traffic issues, impact on killer whales after Federal Court quashed earlier approval of the expansion project**

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The federal government has given the National Energy Board a tight, 22-week deadline to reconsider the proposed Trans Mountain expansion project in order to take into account the increased marine traffic and impact on killer whales that would result from it.

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The board will convene a panel to consider marine-traffic issues raised by the Federal Court of Appeal when it quashed Ottawa's approval of the project, ruling that the NEB had not fully included those issues in its decision. In a release on Friday, the National Energy Board said it is "confident" it can complete the work within the government's deadline.

In late August, the appeal court ruled that Ottawa needed to return the project to the NEB, which had concluded that it did not have jurisdiction over marine issues connected to the project. Given the board's view, it did not consider the impact on an endangered killer whale species as part of its final recommendation to cabinet for conditional approval.

The court also said Ottawa had failed to adequately consult First Nations because it had not sought to accommodate specific concerns raised by communities about the impact on them.

The government will be outlining its plan to re-engage with First Nations at a later date, Natural Resources Minister Amarjeet Sohi said Friday. He gave no indication how long that consultation process would take.

Mr. Sohi denied suggestions that the tight NEB timeline was related to a looming spring election in Alberta, where Premier Rachel Notley's New Democratic Party government faces a tough battle to retain power.

Ms. Notley had urged the federal government to pass emergency legislation declaring that the National Energy Board had no jurisdiction over marine issues and to quickly conclude additional consultations with First Nations.

On Friday, the Premier accepted the federal deadline, although she noted that it was not her preferred solution. In a news conference, she warned Ottawa not to allow the 22-week limit to drift.

“The regulatory timeline is reasonable,” she said, adding that Alberta accepts that more Indigenous consultation is required. But she said she is concerned that the NEB process could be used to delay the project: “We will not tolerate legal game-playing.”

She said that until the federal approval for the project is back in place, Alberta will not take part in the national climate-action plan. She said an appeal of the court ruling would take too long for Alberta’s purposes.

While Mr. Sohi said Friday that the government was not prejudging the NEB review, he did offer strong endorsement for the project. The Liberal government purchased the existing pipeline earlier this year from Kinder Morgan Canada Ltd. for $4.5-billion and will finance the expansion project, with the hope of selling it to private-sector operators.

“We truly believe the Trans Mountain pipeline-expansion project is an investment in Canada’s future,” he said. “It must move forward in the right way.”

Fisheries and Oceans Minister Jonathan Wilkinson said the federal government is implementing a $1.5-billion oceans plan and additional protections for the killer whales that address not only the increased tanker traffic from the pipeline expansion but a slew of factors that threaten the orcas.

B.C. Premier John Horgan offered tepid approval for the new review. His government agreed with the courts that concerns about an oil spill on the coast were not adequately heard in the original NEB process, but he would not say if he thinks a 22-week hearing will be sufficient to address those deficiencies.

Environmental groups complained that Ottawa appears to be going through the motions of court-ordered review, while clearly planning to plow ahead with the project, which it now owns. One B.C. First Nations leader said the additional federal efforts will not generate the support of communities whose rights are being undermined in the pipeline expansion, and that the project should not go ahead without their consent.

“Cobbling together yet another so-called consultation process is not what needs to be done,” Grand Chief Stewart Phillip, president of the Union of B.C. Indian Chiefs, said in an interview. “This project requires the consent of all the nations along the route, and it does not have that. No is no.”

Conservative MP Shannon Stubbs said thousands of workers are idled by the delay and they deserve an immediate plan to get construction restarted.

“While we welcome the preliminary announcement of one small first step, the Liberals have utterly failed to deliver a comprehensive concrete plan to ensure the Trans Mountain expansion can proceed," Ms. Stubbs said.

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